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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,  
LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING  
AMENDED OBJECTION OF THE  
USACM LIQUIDATING TRUST TO  
PROOF OF CLAIM FILED BY  
AUGUSTINE TUFFANELLI FAMILY  
TRUST (CLAIM NO. 10725-02572)**

Hearing Date: April 10, 2009  
Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. The USACM Trust seeks to disallow your claim because the  
USACM Trust contends that your claim is untimely filed, not a claim against USA**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

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Commercial Mortgage Company and that it is duplicative of your claim that was previously disallowed as a claim against USA Commercial Mortgage Company.

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust by and through its counsel, has filed an Objection to Proof of Claim No. 10725-02572 filed by Augustine Tuffanelli Family Trust (the "Objection"). The USACM Trust respectfully requests that the Court enter an order pursuant to § 502 of title 11 of the United States Code (the "Bankruptcy Code"). disallowing Claim No. 10725-02572 filed by Augustine Tuffanelli Family Trust in its entirety.

NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held before the Honorable Linda B. Riegler, U.S. Bankruptcy Court Judge in the Foley Federal Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on **April 10, 2009, at the hour of 9:30 a.m.**

NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 10, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.

NOTICE IS FURTHER GIVEN that any response to the Objection must be filed by **April 3, 2009,** pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting

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party and that the documentation will be provided at any evidentiary hearing or trial on that matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: February 26, 2009.

**LEWIS AND ROCA LLP**

By: /s/ John Hinderaker (AZ# 18024)  
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Counsel for USACM Liquidating Trust

Copy of the foregoing e-mailed ,  
or mailed via First Class U.S. Mail to  
the following party on February 26, 2009 to:

Augustine Tuffanelli Family Trust  
Augustine Tuffanelli Trustee  
c/o Thomas R Brooksbank  
689 Sierra Rose Drive, Suite A2  
Reno, NV 89511

Augustine Tuffanelli Family Trust  
c/o Augustine Tuffanelli Trustee  
2260 Mohigan Way  
Las Vegas, NV 89109-3374

By /s/ Carrie Lawrence  
Carrie Lawrence,  
Lewis and Roca LLP